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1	AMELIA ANN ALBANO, CITY ATTORNEY	FILING FEE EXEMPT PURSUANT TO
2	(SBN 103640) CAROL A. HUMISTON, SR. ASST. CITY	FILING FEE FXEMPT PURSUANT TO GOVERNMENT CODE FAMEY 2012 FEB 23 PH 3: 37
3	ATTORNEY, (SBN 115592) CITY OF BURBANK	23 PH 3: 37
4	275 East Olive Avenue P. O. Box 6459	
	Burbank, CA 91510	
5	Tel: (818) 238-5707 Fax: (818) 238-5724	
6	LINDA MILLER SAVITT, SBN 94164 E-mail: LSavitt@brgslaw.com	
7	BALLARD ROSENBERG GOLPER & SAVITT 500 North Brand Boulevard, 20th Floor	C, LLP
8	Glendale, CA 91203 Tel: (818) 508-3700, Fax: (818) 506-4827	
9		·
10	RONALD F. FRANK (SBN 109076) E-mail: rfrank@bwslaw.com	
11	ROBERT J. TYSON (SBN 187311) E-mail: rtyson@bwslaw.com	
12	BURKE, WILLIAMS & SORENSEN, LLP	
13	444 S. Flower Street, 24 th Floor Los Angeles, CA 90071	
14	Tel: 213-236-0600 Fax: 213-236-2700	
15	Attorneys for Defendant City of Burbank	
16	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
17	COUNTY OF LOS ANGELES	
18		Case No. BC 422252 Assigned to: Hon John L. Segal
19	Plaintiff,	DEFENDANT CITY OF BURBANK'S
20		OBJECTION TO NOTICE TO APPEAR AT TRIAL FOR 107 CITY
21		EMPLOYEES
22		FSC Date: Feb. 29, 2012 FSC Time: 8:30 a.m.
23		Trial Date: March 5, 2012 Action Filed: Sept. 22, 2009
24	TO PLAINTIFF AND HIS COUNSEL OF RECORD:	
25		
26	PLEASE TAKE NOTICE THAT Defendant City of Burbank ("City") objects to	
27	Plaintiff's Notice To Appear At Trial directed to City and served by mail on February 13, 2012	
28 BURKE, WILLIAMS &	LA #4825-5571-4318 v1 -	1 -
SORENSEN, LLP ATTORNEYS AT LAW LOS ANGELES	DEFENDANT'S OBJECTION TO NTA	

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(the "NTA"). The NTA purports to require City to have 107 named people appear at trial. With the exception of City Council Members Dr. Gordon and Mr. Golonski (whom Plaintiff's counsel agreed on February 16, 2012 need not produced at trial pursuant to the NTA) and City Manager Mike Flad (whom the City will produce at trial under an on-call agreement with at least 48 hours advance notice before testifying and tender of his statutory witness fee), the listed individuals are neither officers, directors, nor managing agents of City as required by Code of Civil Procedure § 1987(b). Nor are any of the listed persons a trust beneficiary, assignor, or similar person for whose benefit the action is being defended. Accordingly, they will not be produced by City without a subpoena.

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City also objects to the NTA on the grounds that certain of the listed persons are not current City employees. Further still, City objects to the NTA on the grounds of burden, oppression, and needless increase in the cost of litigation given the sheer number of witnesses listed in the NTA, and considering the needs of the case, the amount in controversy, the plaintiff's trial time estimate, and the importance or lack of importance of each witnesses to the issues at stake in the litigation. Finally, City objects to the NTA on the grounds that as to certain of the listed persons, testimony would be barred by the attorney-client and attorney work product privileges, the closed session privilege, and/or by the confidentiality of peace officer personnel records information.

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Notwithstanding the foregoing, City represents that it will be willing to discuss accepting service of a trial subpoena, with an on-call agreement of a minimum of 48 hours' advance notice before testifying, for a much-shortened number of City employees listed in the NTA. City will require, however, that with respect to each officer or employee to be subpoenaed, Plaintiff will be required to tender with the subpoena the requisite Government Code § 68097.2 officer's salary and other compensation and necessary travel expenses, or other statutory trial witness fees.

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BURKE, WILLIAMS &

SORENSEN, LLP ttorneys At Law

Los Angeles

1	BURKE, WILLIAMS & SORENSEN, LLP
2	BURKE, WILLIAMS & SORENSEN, LLP Ronald F. Frank Robert J. Tyson
3	
4	By: Korala Kruk
5	Ronald F. Frank Attorneys for Defendant City of Burbank
6	City of Burbank
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BURKE, WILLIAMS & SORENSEN, LLP ATTORNEYS AT LAW LOS ANGELES

LA #4825-5571-4318 v1

BURKE, WILLIAMS & SORENSEN, LLP ATTORNEYS AT LAW LOS ANGELES

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On February 21, 2012, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

DEFENDANT CITY OF BURBANK'S OBJECTION TO NOTICE TO APPEAR AT TRIAL FOR 107 CITY EMPLOYEES

in a sealed envelope, postage fully paid, addressed as follows:

SEE ATTACHED SERVICE LIST

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 21, 2012, at Los Angeles, California.

Agnes D. Tualla

SERVICE LIST 1 Taylor v. Burbank LASC Case No. BC422252 2 Gregory W. Smith, Esq. Law Offices of Gregory W. Smith 9100 Wilshire Blvd., Suite 345E 3 4 Beverly Hills, CA 90212 5 6 Christopher Brizzolara, Esq. 1528 16th Street 7 Santa Monica, CA 90404 Linda Miller Savitt, Esq. 8 Phillip L. Reznik, Esq. Ballard Rosenberg Golper & Savitt, LLP 500 North Brand Boulevard, 20th Floor 9 Glendale, CA 91203-9946 10 11 Amelia Ann Albano, City Attorney Carol A. Humiston, Sr. Asst. 12 City Attorney 275 East Olive Avenue Post Office Box 6459 13 Burbank, CA 91510 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 - 2 -

BURKE, WILLIAMS &
SORENSEN, LLP
ATTORNEYS AT LAW
LOS ANGELES